

## DEPARTMENT OF SOCIAL SERVICES

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March 21, 1980

## ALL-COUNTY INFORMATION NOTICE I-31-80

TO: ALL COUNTY WELFARE DIRECTORS  
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES

SUBJECT: LAWS RELATING TO ADOPTION - 1978 AND 1979

## REFERENCE:

Several bills having impact on adoptions were passed during the 1978 and 1979 Legislative sessions. Their provisions, now incorporated into California law, are outlined below.

AB 2964 (McVittie) Chapter 1045, Statutes of 1978

This bill amends Section 7017 (c) of the Civil Code to provide that to identify the natural father, the county board of supervisors, in the case of a stepparent adoption, may designate the licensed county adoption agency, the county department administering the public social services program or the county probation department to make the inquiry. The requirement that the State Department of Social Services conduct the inquiry in stepparent adoptions is eliminated.

AB 1584 (Presley) Chapter 257, Statutes of 1978

The bill makes technical changes in the Probate Code sections pertaining to guardianship investigations where minors are involved.

- Section 1440.1 of the Probate Code is amended to require that the local agency providing social services investigate petitions for guardianship of a minor. This clarifies responsibility for guardianship study in counties where the state licenses foster care.
- Section 1440.3 of the Probate Code is amended to include the exemption of public guardians and directors of social services from the requirement that there be a report on their suitability as guardians.
- Section 1443 of the Probate Code is amended to delete the requirement that the probation officer investigate petitions for guardianship of

minors two years of age or less. In any guardianship case, when another agency is not responsible under Section 1440.1 and the court requests an investigation; however, the probation officer is required to make it.

SB 1692 (Presley) Chapter 1269, Statutes of 1978

Deletes the requirement of Civil Code Section 232 (7), applicable to children who have been in foster homes for two or more consecutive years, that court findings of abandonment include determination that the parents have failed to "maintain continuous contact with the child, unless unable to do so". The other provisions of Section 232 (7), i.e., failure to provide a home, care and control and adequate parental relationship, remain as grounds for the finding of abandonment in these cases.

SB 540 (Presley) Chapter 752, Statutes of 1979

Amends Section 7006 of the Civil Code to permit an alleged natural father to bring an action before the court to establish the father-child relationship when another man's paternity of a child is rebuttably presumed and the mother relinquishes the child or consents to its adoption or proposes to do so. Such an action must be instituted within 30 days of notice to the alleged father that he is or may be the father of the child or within 30 days of the child's birth, whichever is later. All proceedings in an adoption are to be suspended if any such action is brought regardless of the presence or absence of a presumed father, until judgement in the matter is final.

It also provides that where there is no presumed father and the alleged father has not denied paternity, waived further notice, voluntarily consented or had his parental rights involuntarily terminated by the court, his failure to bring an action to establish the father-child relationship within 30 days of notice pursuant to 7017 (f) or of the birth of the child whichever is later, results in termination of his parental rights.

Further, it amends Section 7017 (d) so that further action to terminate the parental rights of any father is not required if he has previously been notified that he is or could be the father of the child, who is the subject of the proceedings and has failed to bring an action within the prescribed time limits to establish his paternity.

AB 8 (Greene) Chapter 282, Statutes of 1979

This bill provides for state assumption of all county costs of aid for the adoption of hard-to-place children (AAC) in addition to the costs of several major programs. In addition, it includes AAC among the programs to be administered by means of a centralized delivery system which is to be implemented in all counties by July 1, 1984. As components of that system, the Department of Social Services (DSS) will be providing a manual of uniform procedures and a comprehensive training package.

AB 296 (Young) Chapter 489, Statutes of 1979

Amends Section 16120.1 and 16150 of the Welfare and Institutions Code to increase reimbursement to private agencies for placement of hard-to-place California children. Maximum reimbursement of costs associated with aid to adoption programs under Section 16120.1 is increased from \$1500 to \$2000. Maximum reimbursement under Section 16150 involving cooperative placements with public agencies of hard-to-place children where the parents are ineligible for AAC is increased from \$1000 to \$1500.

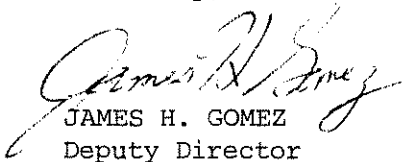
AB 1418 (Greene) Chapter 809, Statutes of 1979

This bill adds Section 224 (a) to the Civil Code. The new section requires that DSS adopt rules and regulations to assure that parents of Indian ancestry who are seeking to relinquish a child for adoption, provide sufficient information to enable a certificate of the degree of the child's Indian blood to be obtained from the Bureau of Indian Affairs (BIA). The certificate so obtained and other related documents are required to be maintained by DSS and made available to the BIA, for the purpose of determining eligibility for services or benefits and to the adoptee upon attaining majority.

Several of these bills require modifications of regulations appearing in Title 22 of the California Administrative Code. The necessary changes are in process and will be made available as soon as possible.

If you have any questions, please contact Robert Green at (916) 322-3778.

Sincerely,



JAMES H. GOMEZ  
Deputy Director

cc: CWDA